

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES ROGERS,

Plaintiff,

vs.

CITY OF DETROIT, et al.,

Defendants.

CIVIL ACTION NO. 08-CV-10314

DISTRICT JUDGE GERALD E. ROSEN

MAGISTRATE JUDGE MONA K. MAJZOUB

**ORDER DENYING PLAINTIFF'S EMERGENCY MOTION TO COMPEL
DEPOSITIONS OF DEFENDANTS (DOCKET NO. 37)**

This matter comes before the Court on Plaintiff's Emergency Motion To Compel Depositions Of Defendants filed on December 15, 2008. (Docket no. 37). Defendants did not file a response and the time for responding is past. This motion was referred to the undersigned for decision. (Docket no. 40). The parties filed a Joint List Of Resolved and Unresolved Issues on January 20, 2009. (Docket no. 45). The Court originally scheduled this matter for hearing, however, the Court will determine this matter on the briefs. E.D. Mich. LR 7.1(e). (Docket no. 44). The motion is now ready for ruling.

Plaintiff seeks to compel the depositions of Defendants. (Docket no. 37). Rule 30(b)(1), Fed. R. Civ. P., provides that "[a] party who wants to depose a person by oral questions must give reasonable written notice to every other party. The notice must state the time and place of the deposition and, if known, the deponent's name and address." Fed. R. Civ. P. 30(b)(1). Plaintiff's counsel shows that he sent five written requests for deposition dates to Defendants' counsel between November 4, 2008 and December 12, 2008. Plaintiff has not shown and does not allege that he

noticed the depositions of the Defendants pursuant to Fed. R. Civ. P. 30¹. (Docket no. 37). The facsimiles and letters to Defendants' counsel show that Plaintiff's counsel was diligent in seeking mutually convenient deposition dates prior to the December 31, 2008 close of discovery, however, these are not notices of deposition. (Docket no. 20). These facsimiles and letters contain neither the time and place of deposition nor the identity of the deponent(s). The Court will therefore deny without prejudice Plaintiff's Emergency Motion to Compel Depositions Of Defendants.

IT IS THEREFORE ORDERED that Plaintiff's Emergency Motion To Compel Depositions Of Defendants (Docket no. 37) is DENIED without prejudice.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: January 21, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: January 21, 2009

s/ Lisa C. Bartlett
Courtroom Deputy

¹ E.D. Mich. LR 37.2 requires that "[a]ny discovery motion filed pursuant to Fed. R. Civ. P. 26 through 37, shall include, a verbatim recitation, . . . or a copy of the actual discovery document which is the subject of the motion."